

Changes to the Specification

On page 7, line 15, after "knife holder", insert -- (100) --.

On page 8, line 13, after "blade guard", insert -- (8) --.

On page 10, line 9, after "base member", insert -- (17) --.

On page 10, line 18, after "electromagnet", insert -- (17) --.

On page 12, lines 5-6, cancel "base portion (34) of the knife holder" and insert -- base portion of the knife holder (34) --.

On page 12, line 8, cancel "base portion (34) of the knife holder" and insert -- base portion of the knife holder (34) --.

Certified Priority Document

The requirement to submit a Certified Priority Document is noted, and a certified copy of the German application filed on May 29, 1998 will be provided as soon as possible.

Specification

The Examiner objects to the specification, and specifically cites line numbers and pages where he suggests that numerals be added or moved in the specification. In amendments to the Examiner's specifically cited line and page numbers of the specification, numerals have been added or moved in the specification, as specifically suggested by the Examiner. The amendments to the specification are provided on a separate sheet, as required by the "Revised Format of Amendments" that has been published by the USPTO. Since the Examiner makes his suggestions based upon certain line numbers of certain pages, and the number and nature of amendments to the specification do not render it difficult to consider the application, or to arrange the papers for printing or copying, a substitute specification is not deemed necessary. Also, since the changes are so minor, replacement paragraphs are not provided herewith. Applicant respectfully believes that, given the nature of the amendments to the specification, this is in compliance with 37 CFR 1.125.

Abstract of the Disclosure

The Abstract of the Disclosure is rejected due to length and terminology. A replacement Abstract of the Disclosure, which we respectfully believe meets all requirements, is included herewith on a separate sheet.

Drawings

The drawings are objected to for the following reasons:

In Figure 1, a numeral should be added to indicate the knife holder for clarity. The number "100" has been added showing the knife holder, as the Examiner suggested.

In Figure 5, numeral 16 indicates two different features, which is improper, and it seems that the lower occurrence of numeral 16 should be changed. The lower occurrence of numeral 16 has been changed to 1. 1 is the base body.

A Letter to the Draftsperson of the Patent Office is included herewith, requesting the Examiner's approval of the changes to Figures 1 and 5, with changes shown circled in red.

Claim Rejections Under 35 USC 112

Claims 1-7 are rejected under 35 USC 112 as being indefinite for failing to particularly point out and distinctly claim the subject matter that Applicant regards as the invention.

The claims have been amended in response to the comments in numbered section 9 of the Office Action.

To respond to the Examiner's objection that "pivotably or displaceably" is vague and indefinite as to which one, since they are not equivalents, claim 4 has been amended into two claims, separating the terms "pivotably" and "displaceably".

In this Amendment, Claims 4 is amended to separate the terms "pivotably" or "displaceably" by removing the term "displaceably" from claim 4 and reciting the term "displaceably" separately, in new claim 11. New claim 12 is dependent on claim 11, as claim 5 is dependent on claim 4.

Claim Rejections Under 35 USC 102

Claims 1, 2, 4, 6 and 7 stand rejected as being anticipated by Fassin.

Valid rejection under 35 USC 102 requires that each feature of a rejected claim be disclosed in a single reference. "For anticipation under 35 USC 102, the reference must teach every aspect of

the claimed invention either explicitly or impliedly. Any feature not directly taught must be inherently present." MPEP 706.02(a)

Fassin does not disclose each feature of the rejected claims as amended.

Amended claim 1 recites:

Claim 1 (Currently amended): A knife holder for a microtome having a cutting plane, comprising:

a knife having a cutting edge, and

a blade guard comprising a plate,

wherein said plate is arranged on a side of said knife remote from a specimen to be cut and spaced apart from said cutting plane to the side of said cutting edge of said knife in such a way that in the functional position of said blade guard in the cutting direction a small gap is provided between the cutting edge of the knife and the edge of the plate toward the knife with a maximum width chosen such that the joint of a person's finger cannot come into contact with the cutting edge of the knife.

This amendment to Claim 1 is supported in the specification:

The positions of the plate (11) at the knife holder has a functional position and an adjustment position. This is disclosed on page 9, lines 14 and 15 of the specification.

The feature "In the cutting direction a small gap (b) is provided between the cutting edge (3a) of the knife and the edge of the plate (11) toward the knife, with a maximum width chosen such that the joint of a person's finger cannot come into contact with the cutting edge (3a) of the knife" is disclosed on page 9, lines 6-9 of the continuation application.

The function of the invention is made clear by this recitation.

From the context of the application, it is clear that the above-mentioned feature belongs to the functional position.

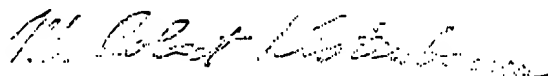
Amended claim 1 clearly shows that there is an important difference between the functions of the present invention and Fassin's microtome knife guard. The function of Fassin is described in the introductory portion of the specification of International Application PCT/EP99/03175 (WO99/63322) on page 3, paragraph 2.

We respectfully believe that amended claim 1 of the present application is not obvious, and the subclaims should also be allowable.

A one-month extension of time in which to respond to the outstanding Office Action is hereby requested. Credit Card Payment Form PTO-2038 is enclosed to cover the prescribed Large Entity one-month extension fee of \$110.00. Please charge any additional fees or credit any overpayments to Deposit Account 11-0665. A duplicate of this page is enclosed for this purpose.

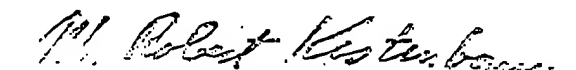
Wherefore, further consideration and allowance of the claims in this application is respectfully requested.

Respectfully submitted,



M. Robert Kestenbaum
Reg. No. 20,430
11011 Bermuda Dunes NE
Albuquerque, NM USA 87111
Telephone (505) 323-0771
Facsimile (505) 323-0865

I hereby certify this correspondence is being submitted to Commissioner for Patents, Washington, D.C. 20231 by facsimile transmission on March 22, 2003, fax number (703) 305-3590.


M. Robert Kestenbaum